

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

AFFIDAVIT

I, Erin North, Deportation Officer, Immigration and Customs Enforcement, United States Department of Homeland Security, being duly sworn, state the following:

1. That your Affiant is a graduate of the Federal Law Enforcement Training Center (“FLETC”) and has been employed as a federal officer of Immigration and Customs Enforcement (“ICE”), formerly the Immigration and Naturalization Service (“INS”), for nineteen years, during which time she has conducted numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act (“INA”);
2. That the information contained in this Affidavit is based on your Affiant’s personal participation in this investigation and from information provided to your Affiant by other law enforcement officers. This Affidavit is submitted for the limited purpose of presenting facts to support a probable cause finding for the issuance of a criminal complaint against Daniel Eduardo MUÑOZ NAJAR, a/k/a Daniel Eduardo Munoz-Najar, a/k/a Daniel Eduardo Najar, a/k/a Daniel Eduardo Najar Munoz, a/k/a Daniel Eduardo Najar-Nunoz, a/k/a Daniel Eduardo Nunoz-Najal, and a/k/a Daniel Eduardo Najal-Nunoz (“MUÑOZ NAJAR”). Your Affiant has not included each and every fact known to her concerning this investigation and she has set forth only those facts necessary for said purpose;
3. That sufficient facts exist to support a probable cause finding that MUÑOZ NAJAR has violated Title 8, United States Code, Sections 1326(a)(1) and (b)(2) (illegal reentry into the United States by an aggravated felon);
4. That, on November 11, 2024, MUÑOZ NAJAR was arrested by the Charlotte Mecklenburg Police Department for POSSESSION OF FIREARM BY FELON (Court Docket 2024cr453655), pursuant to an ASSAULT WITH A DEADLY WEAPON call for service. According to the associated Incident Report, the responding officer observed a female subject with a gunshot wound to her ankle when he arrived on scene. MUÑOZ NAJAR was subsequently transported to the Mecklenburg County, North Carolina, Jail and additionally served with Mecklenburg County, North Carolina, District Court Orders for Arrest for Failure to Appear for ASSAULT ON A FEMALE (Court Docket 2017cr227088) and COMMUNICATING THREATS (Court Docket 2017cr227089), and an outstanding Cleveland County, North Carolina, Order for Arrest for felony HABITUAL IMPAIRED DRIVING (Court Docket 2017crs54057). Mecklenburg County, North Carolina, Sheriff’s Office arrest prints were submitted to the FBI pursuant to the federal initiative titled Secure Communities via an Immigration Alien Query. The

report generated by that submission disclosed that he was the subject of FBI Number 284159AC5, Immigration A-file Number 088-237-233, State Identification Number NC1013803A, and that immigration records indicated that he was removed from the United States without record of a legal re-entry. That same day, an I-247 Immigration Detainer was lodged against MUNOZ NAJAR at the Mecklenburg County, NC, Jail; in Charlotte;

5. That, on November 22, 2024, ICE officers in Charlotte, North Carolina, submitted a copy of the Mecklenburg County, North Carolina, Sheriff's Office arrest tenprints card for POSSESSION OF FIREARM BY FELON, ASSAULT ON A FEMALE, COMMUNICATING THREATS, and HABITUAL IMPAIRED DRIVING, dated November 11, 2024 (obtained from the North Carolina State Bureau of Investigations), through Next Generation Identification (NGI), which is connected to the National Crime Information Center (NCIC), and IDENT, the automated biometric identification system used by ICE. The fingerprint-based reports that were generated disclosed that the fingerprints belonged to the subject of FBI Number 284159AC5, State Identification Number NC1013803A, and Immigration A-file Number 088-237-233;
6. That, on November 23, 2024, MUNOZ NAJAR was released from the custody of the Mecklenburg County, North Carolina, Jail;
7. That your Affiant conducted criminal justice inquiries and database searches, reviewed Immigration A-file 088-237-233 relating to MUNOZ NAJAR, and discovered that:
  - a. his name is Daniel Eduardo MUNOZ NAJAR, per his own statements and copies of Mexican passports in his file;
  - b. he is also known as Daniel Eduardo Munoz-Najar, Daniel Eduardo Najar, Daniel Eduardo Najar Munoz, Daniel Eduardo Najar-Nunoz, Daniel Eduardo Nunoz-Najal, and Daniel Eduardo Najal-Nunoz;
  - c. he is native and citizen of Mexico by virtue of birth in Nuevo Leon, Mexico, on January 21, 1983, per his own statements and copies of Mexican passports in his file;
  - d. he was assigned FBI number 284159AC5, North Carolina State Identification Number NC1013803A, North Carolina Department of Adult Corrections Offender ID Numbers 0830191 and 0804952, North Carolina Driver's License Numbers 29364150 (under the name Daniel Eduardo Munoz Najar) and 37957754 (under the name Daniel Eduardo Munoz-Najar), and USMS Register Number 34201-058;
  - e. on February 11, 2004, he was convicted in Mecklenburg County, North Carolina, Superior Court for TRAFFICKING IN COCAINE, and sentenced to 35 to 42 months of confinement (Court Docket 2003crs214689; date of arrest was March 27, 2003);
  - f. on December 14, 2007, he was convicted in Catawba County, North Carolina, District Court for both DRIVING WHILE IMPAIRED – Level 3, for which he was sentenced to 6 months of confinement, suspended for 12 months of probation, and for SPEEDING, for which he was sentenced to community punishment. Per the DMV

Customer Summary for North Carolina Driver's License Number 29364150, he was driving 102 MPH in a 65 MPH zone (Court Dockets 2007cr55480 and 2007cr55481; date of arrest was July 14, 2007);

- g. on April 26, 2010, he was convicted in Cleveland County, North Carolina, District Court for RESISTING PUBLIC OFFICER, and sentenced to 24 months of probation. (Court Docket 2010cr50759; date of arrest was February 09, 2010);
- h. on November 6, 2012, he was convicted in Haywood County, NC, District Court for DRIVING WHILE IMPAIRED – Level 2, and sentenced to 12 months of confinement, suspended for 36 months of supervised probation (Court Docket 2011cr54091; date of arrest was November 03, 2011);
- i. on February 20, 2013, he was encountered by the Charlotte, NC, ICE Fugitive Operations Unit in Shelby, North Carolina, determined to be unlawfully present in the United States, and administratively arrested for violation of the Immigration and Nationality Act. That same day, he was served agency Form I-220A Order of Release on Recognizance and was released from ICE custody pending removal proceedings;
- j. on November 20, 2013, he was convicted in Cleveland County, North Carolina, District Court for DRIVING WHILE IMPAIRED – Level 1, and sentenced to 12 months of confinement, which appears to have been suspended for 45 days of work release and 18\* months of supervised probation (Court Docket 2008cr53417; date of arrest was June 26, 2008; *\*On May 05, 2015, his term of probation was extended by 6 months*)
- k. on December 2, 2013, he was ordered removed from the United States to Mexico by an Immigration Judge at Charlotte, North Carolina, under the name Daniel Eduardo Munoz-Najar;
- l. on September 5, 2017, Orders for Arrest were issued by the Cleveland County, NC, District Court for DRIVING WHILE IMPAIRED, FAIL TO REPORT ACCIDENT, and DRIVING WHILE LICENSE REVOKED IMPAIRED REVOCATION (Court Dockets 2017cr54055 and 2017cr54056; date of arrest was August 12, 2017; *on January 31, 2018, these charges were Dismissed with Leave, and remain as such*);
- m. on October 25, 2017, Orders for Arrest were issued by the Mecklenburg County, NC, District Court for failures to appear for ASSAULT ON A FEMALE and COMMUNICATING THREATS (Court Dockets 2017cr227088 and 2017cr227089; date of arrest was August 12, 2017);
- n. on March 20, 2019, he was convicted in the United States District Court for the Western District of North Carolina for POSSESSION OF FIREARM BY FELON, in violation of Title 18, United States Code, Section 922(g)(1), and sentenced to 15 months of confinement, under the name Daniel Eduardo Najar (Case Number DNCW317cr000237-001; entered Guilty plea on July 25, 2018; date of arrest was April 11, 2018);

- o. on May 16, 2019, agency form I-205 Warrant of Removal/ Deportation was executed by including his photograph, fingerprint, and signature, and MUNOZ NAJAR was removed from the United States to Mexico, by foot, at Brownsville, Texas, under the name Daniel Eduardo Munoz-Najar, being advised prior to removal that it is a crime for an alien who has been removed from the United States to enter, attempt to enter, or be found in the United States without the express consent of the Secretary of Homeland Security;
- p. December 3, 2024, his next hearing is scheduled in Mecklenburg County, North Carolina, District Court for POSSESSION OF FIREARM BY FELON (Court Docket 2024cr453655; date of arrest was November 11, 2024);
- q. on December 11, 2024, his next hearing is scheduled in Cleveland County, North Carolina, Superior Court for HABITUAL IMPAIRED DRIVING and DRIVE LEFT OF CENTER (Court Docket 2017crs54057; initial date of arrest was August 12, 2017);
- r. on February 20, 2025, his next hearings are scheduled in Mecklenburg County, NC, District Court for ASSAULT ON A FEMALE and COMMUNICATING THREATS. (Court Dockets 2017cr227088 and 2017cr227089; initial date of arrest was August 12, 2017);

8. That, on November 23, 2024, after thorough review of the A-file, your Affiant conducted record checks of immigration indices and was unable to locate any record that MUNOZ NAJAR applied for, or was granted, permission by the Attorney General of the United States or the Secretary of the Department of Homeland Security to apply for admission to the United States after deportation/ removal.

Based on the above information, your Affiant respectfully requests the issuance of a criminal complaint against Daniel Eduardo MUNOZ NAJAR.

  
/s/ Erin North, Deportation Officer  
United States Immigration and Customs Enforcement

*AUSA Kenneth M. Smith reviewed this Affidavit.*

In accordance with Rule 4.1(b)(2)(A), the Affiant attested under oath to the contents of this Affidavit, which was submitted to me by reliable electronic means, on this 26<sup>th</sup> day of November, 2024, at enter time pm

3:00 PM

Signature Line  
  
Title of Signing Officer  
United States District Court